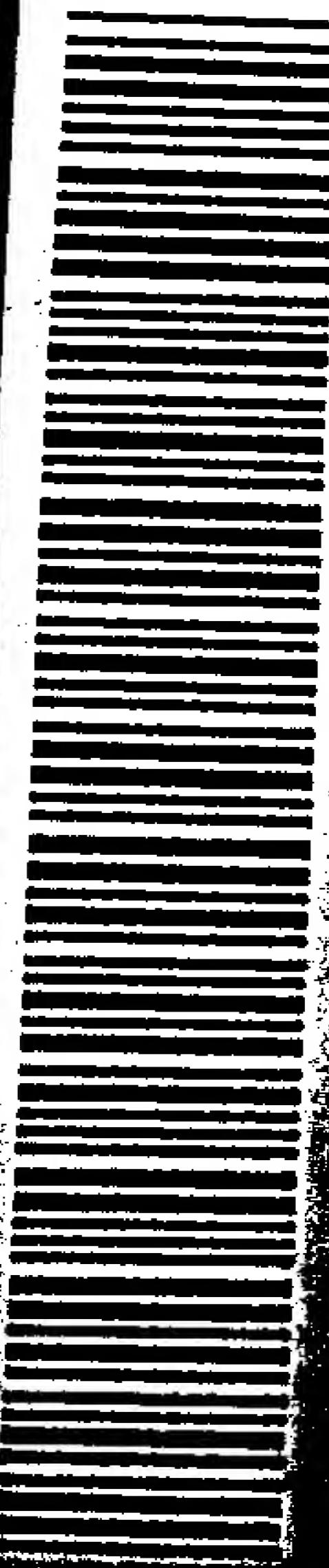


431017019001



(1) metal "bowl" containing
approx. metoly (1) gram of
marijuana

REPORT OF RESPONSE TO RESISTANCE OR AGGRESSION

Professional Standards #

176049

04.28.17

PROFESSIONAL MAY 23 2017 STANDARDS

Dist Comm

Troop Comm

Chief of Field

Inspector

*CR**CAF**MZ**EPA*

GENERAL INFORMATION:

SUPERVISOR:	DETACHMENT:	DATE OF INCIDENT:	TIME OF INCIDENT:
Sergeant B. L. Keefer	Clay	04/19/2017	2230 hours
LOCATION OF INCIDENT:			

The Daniels Run Road (approximately .7 miles west from SR 16), Millstone, Calhoun County, WV

SUBJECT INFORMATION:

SUBJECT NAME (LAST, FIRST): Settle Joshua	RACE/SEX: W/M	DOB: 01/10/1998	SSN: 234-45-5852
INJURY: 13, 11	TREATMENT: 23, 24	SUBJECT RESISTANCE LEVEL: 52, 53, 55	WEAPON USED: 71, 72, 73
SUBJECT CONTACTED BY SUPERVISOR?: IF YES, DATE AND TIME: Yes; April 20, 2017 @ 0115 hours	STATEMENT TAKEN FROM SUBJECT?: IF YES, DATE AND TIME: Yes; April 20, 2017 @ 0115 hours	HOW USED: 110, 111, 112, 113	SUBJECT PHOTOGRAPHED?: Yes

OFFICER(S) INVOLVED:

NAME (LAST, FIRST): Stepp, Nathan	RANK: Senior Trooper	OFFICER PHOTOGRAPHED?: Yes
INJURY: 11, 12	TREATMENT: 20	LEVEL OF RESPONSE: 60, 61, 63, 64, 65,
NAME (LAST, FIRST):		RANK:
INJURY:	TREATMENT:	LEVEL OF RESPONSE:
NAME (LAST, FIRST):		RANK:
INJURY:	TREATMENT:	LEVEL OF RESPONSE:
NAME (LAST, FIRST):		RANK:
INJURY:	TREATMENT:	LEVEL OF RESPONSE:
NAME (LAST, FIRST):		RANK:

WITNESS(ES):

NAME (LAST, FIRST):	ADDRESS:	PHONE:
NAME (LAST, FIRST):	ADDRESS:	PHONE:
NAME (LAST, FIRST):	ADDRESS:	PHONE:

TRANSPORTING INFORMATION:

TRANSPORTING OFFICER (LAST, FIRST): Cpl. J. T. Portillo (accompanied EMS)	FROM: Incident Scene	TO: Calhoun County High School football field (Suspect flown to CAMC General)
TRANSPORTING OFFICER (LAST, FIRST): Jones, Patrick	FROM: CAMC General	TO: WVSP South Charleston Detachment
TRANSPORTING OFFICER (LAST, FIRST): Jones, Patrick	FROM: WVSP South Charleston Detachment	TO: South Central Regional Jail
TRANSPORTING OFFICER (LAST, FIRST):	FROM:	TO:

INJURY	TREATMENT	SUBJECT RESISTANCE LEVEL	OFFICER'S LEVEL OF RESPONSE	SUBJECT WEAPON USED	OFFICER'S TYPE OF RESPONSE	HOW USED
09 - Injury not related to Response	20 - None 21 - Refused	50 - No Resistance 51 - Passive Resistance	60 - Physical Presence 61 - Use of Verbal Command	70 - None 71 - Hands/Arms	90 - None 91 - Hands/Arm	110 - Threatened
10 - No Injury	22 - First Aid	52 - Attempted to flee/escape	62 - Use of Chemical Weapons Before Empty Hand Tactics	72 - Fist 73 - Foot/Leg	92 - Fists 93 - Feet/Leg	111 - Grab/Hold 112 - Push/Pull
11 - Bruise/Abrasions	23 - Paramedic/EMT	53 - Actively resisted	63 - Empty Hand Tactics	74 - Teeth 75 - Blow Inst.	94 - Radio 95 - Flashlight	113 - Strike/Hit
12 - Sprain/Strain	24 - Hospital	54 - Actively resisted and incited bystanders	64 - Use of Chemical Weapon After Empty Hand Tactics	76 - Cutting Inst. 77 - Rock/Bottle	96 - Baton 97 - K-9	114 - Bite 115 - Throw
13 - Laceration	25 - Personal Physician	55 - Assaulted Officers	65 - Use of Police Baton 66 - Use of Lethal Force	78 - Handgun 79 - Rifle 80 - Shotgun 81 - Vehicle 82 - Other	98 - Handgun 99 - Shotgun 100 - Chemical Agent 101 - Vehicle 102 - Other 103 - Rifle	116 - Slash 117 - Stab 118 - Discharge 119 - Other
14 - Bite						
15 - Puncture						
16 - Broken Bone						
17 - Internal Injury						
18 - Gunshot						
19 - Other						

**"Narrative of Response to Resistance and Aggression involving Senior Trooper N. S. Stepp
by Sergeant B. L. Keefer"**

On Wednesday, April 19, 2017, at approximately 2234 hours, Sergeant B. L. Keefer received a telephone call from State Police South Charleston Communications, advising him that Senior Trooper N. S. Stepp had become involved in a short vehicle pursuit, in the Millstone area, of Calhoun County. During that conversation, Sergeant Keefer was also advised that the vehicle being pursued had crashed, resulting in the vehicle overturning. South Charleston Communications verified that no other property had been damaged, as a result of the pursuit. Initially, South Charleston Communications advised Sergeant Keefer that the suspect driver was in custody, but required medical attention due to injuries he sustained during the crash. South Charleston Communications verified that Senior Trooper Stepp had not been injured, as a result of this incident. South Charleston Communications advised Sergeant Keefer that Trooper First Class J. M. Ellis and Corporal J. T. Portillo were en route to assist Senior Trooper Stepp.

Immediately, Sergeant Keefer attempted to reach Senior Trooper Stepp, on his cell phone, but was unable to reach him; as cellular coverage is abysmal in Calhoun County. Sergeant Keefer contacted First Sergeant O. S. Starsick, and apprised him of the situation. A short time later, First Sergeant Starsick advised Sergeant Keefer that he and Sergeant Hammack would be responding to the scene. Shortly thereafter, Sergeant Keefer received a telephone call from Trooper First Class Ellis, who advised him that the suspect, who still had not been identified, had actively fought with, and attempted to disarm, Senior Trooper Stepp during his arrest. Trooper First Class Ellis further advised that Senior Trooper Stepp had been forced to utilize his expandable baton to subdue the suspect, resulting in the suspect being injured and having to be transported to CAMC General Hospital. With that, Sergeant Keefer traveled to CAMC General Hospital.

Upon arrival at CAMC General Hospital, Sergeant Keefer spoke with Corporal P. A. Jones, who had been detailed to the hospital, in order to watch the suspect. Corporal P. A. Jones informed Sergeant Keefer that the suspect had been identified as Joshua Michael Settle (Sergeant Keefer confirmed that identity through his DMV photograph). Corporal Jones informed Sergeant Keefer that the medical staff had ruled out any major injuries, including the lack of a head concussion, to Mr. Settle. Corporal Jones further advised that the medical staff planned to apply sutures to three cuts in Mr. Settle's head, and he would be released to State Police custody.

On Thursday, April 20, 2017, at approximately 0116 hours, Sergeant Keefer made contact with Joshua Settle, who was lying on a treatment bed, at CAMC General Hospital. At that time, Sergeant Keefer obtained a digitally recorded statement from him. Due to Mr. Settle's being medically treated, Sergeant Keefer did not complete a DPS Form #79, Interview and

Miranda Rights Form, but did verbally read the Miranda Warning to Mr. Settle, while being digitally recorded. During this statement Joshua Settle admitted the following:

- He admitted that he intentionally fled, in the vehicle, from Senior Trooper Stepp, knowing this would be his third offense for driving on a suspended driver's license.
- He admitted that he had previously fled, in a vehicle, from the Spencer Police Department, in a previous incident.
- He admitted that he was afraid to go to jail.
- He admitted that he lost control of the vehicle causing the vehicle to crash and land on its top, while he was fleeing from Senior Trooper Stepp.
- He stated he was compliant with Senior Trooper Stepp, but caught himself saying he fought with the Trooper.
- He stated that Senior Trooper Stepp was "choking" him, while they were on the ground, but admitted to being able to get up to his feet, while only having one handcuff on his left wrist.
- He admitted to swinging the unlatched handcuff at Senior Trooper Stepp, while on his feet.

Sergeant Keefer concluded the interview with Joshua Settle on Thursday, April 20, 2017 at approximately 0132 hours (that interview is attached to this report). Sergeant B. L. Keefer then took several digital photographs of Mr. Settle (a CD containing those digital images is attached to this report).

On Thursday, April 20, 2017, at approximately 0220 hours, Joshua Settle was released from CAMC General Hospital, and transported to the South Charleston Detachment Booking Office. There, he was processed and fingerprinted by Sergeant B. L. Keefer. Corporal P. A. Jones transported Joshua Settle to the South Central Regional Jail, on Thursday, April 20, 2017, at approximately 0300 hours.

During the course of investigating the aforementioned vehicle pursuit, and subsequent response to resistance and aggression, Sergeant Keefer learned the following:

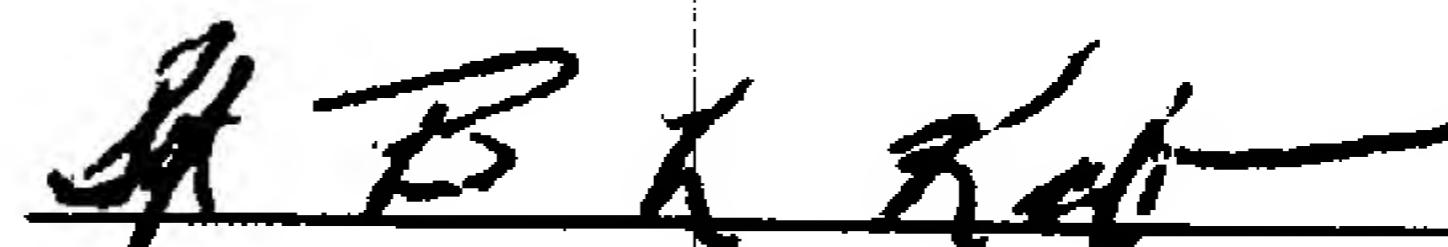
- On Wednesday, April 19, 2017, at approximately 2230 hours, Senior Trooper N. S. Stepp was conducting stationary RADAR, at the intersection of US Route 33 and WV Route 16, in the Millstone area, of Calhoun County. At that time, a blue 1996 Chevrolet Cavalier drove past his position, traveling east on US Route 33, and being operated by Joshua Michael Settle. Senior Trooper Stepp observed that the aforementioned vehicle's registration light was not operable. Senior Trooper Stepp attempted to perform a traffic stop on Mr. Settle, but Mr. Settle actively fled, traveling onto WV Route 16 before hurriedly swerving onto the Daniels Run Road. While attempting to negotiate a curve, and fleeing at a high rate of speed, Mr. Settle

lost control of the vehicle, which struck the ditch embankment, and flipped onto its top.

- Senior Trooper Stepp approached the wrecked vehicle, which still contained Mr. Settle. Senior Trooper Stepp ordered Mr. Settle to exit the vehicle. Then, Mr. Settle actively resisted Senior Trooper Stepp's efforts to place him into handcuffs. Senior Trooper Stepp continued to struggle with Mr. Settle, who refused to comply with verbal commands given by Senior Trooper Stepp. Senior Trooper Stepp utilized several open hand strikes to Mr. Settle's torso area, two short bursts of OC spray to Mr. Settle's facial area, and his expandable baton to deliver several strikes to Mr. Settle's legs which all proved to be ineffective in gaining control of Mr. Settle; who became increasingly enraged, aggressive and violent toward Senior Trooper Stepp. Mr. Settle ripped Senior Trooper Stepp's uniform by grabbing the Trooper, in several attempts to wrestle Senior Trooper Stepp to the ground. Mr. Settle grabbed Senior Trooper Stepp by the gunbelt, in an attempt to overpower the trooper. Mr. Settle began to pull on Senior Trooper Stepp's holster and was successful in unclasp the holster's thumb break, and grabbing Senior Trooper Stepp's pistol by the handle. Senior Trooper Stepp was able to keep control of his pistol, but was forced to deliver expandable baton strikes to the head of Mr. Settle, who was trying to gain control of Senior Trooper Stepp's pistol. Finally, after an approximate six (6) minute, exhaustive fight with Mr. Settle, Senior Trooper Stepp was able to gain control of him and place him into handcuffs.

Sergeant B. L. Keefer obtained a copy of the in-car camera footage from Senior Trooper N. S. Stepp's cruiser (Copy attached). During a larger portion of the physical fighting, both Senior Trooper N. S. Stepp and Mr. Settle are out of view of the camera's field of view. In addition, during this time, audio play-back also cuts out. However, the footage and audio that is captured up unto the period of cut-out corroborates the statement given by that of Senior Trooper N. S. Stepp.

Sergeant B. L. Keefer believes Senior Trooper N. S. Stepp followed protocol as set forth in Policy and Procedure 10-1, in regards to this incident.



Sergeant B. L. Keefer

Clay Detachment Commander

CRS Dist 4-28-17
CA Troop 512-17
M2 Chief of Field 5-24-17
ZEA Inspector 5/11/17

STATEMENT OF SENIOR TROOPER N. S. STEPP IN REFERENCE TO RESPONSE TO RESISTANCE OR AGGRESSION INCIDENT ON APRIL 19, 2017

On Wednesday, April 19, 2017, at approximately 2230 hours, S/Trooper N.S. Stepp, hereafter referred to as this Trooper, was conducting stationary patrol at the intersection of US Rt. 33 and WV Rt. 16 in Millstone, Calhoun County, West Virginia. At this time, this Trooper noticed a blue in color 1996 Chevrolet Cavalier, bearing WV-Registration 2PM365, traveling east on US Rt. 33, displaying a defective registration light. this Trooper then activated the emergency lights in effort to initiate a traffic stop at this location on the vehicle. The vehicle then turned north on WV Rt. 16 and began to travel towards Grantsville.

This Trooper followed the vehicle, with the emergency lights activated, for approximately .7 tenths of a mile. While following behind the vehicle, this Trooper noticed that the vehicle traveled across the northbound fog line and then across the double lined center line multiple times. It should be noted that the driver of the vehicle had active the hazards lights and been traveling a moderately low speed, a speed at which led this Trooper to believe that the driver was attempting to locate a wide place in the roadway to pull over. However, when the vehicle neared Daniels Run Road, the vehicle darted left onto it and began to travel at a high rate of speed. At this time, this Trooper contacted the WVSP South Charleston Dispatch and advised that this Trooper was in pursuit of the vehicle.

After traveling approximately .3 tenths of a mile, driver of the vehicle had apparently lost control of the vehicle and ultimately flipped onto its top and came to rest upside down in the ditch line facing east.

This Trooper then exited the patrol vehicle, and began to give the driver of the vehicle, later identified as Joshua Michael Settle, verbal commands to exit the vehicle. After Mr. Settle, the accused, was out of the vehicle, this Trooper then attempted to restrain him and affect the arrest. It was at this time that the accused began to resist this Trooper by refusing to comply with the verbal commands to place his arms behind his back.

The accused then began to attempt to stand up, while this Trooper was applying pressure to him to keep him on the ground. After several attempts, the accused was able to successfully break free from this Trooper's hold on him and stood up. The accused then

began to attempt to pull away from this Trooper after successfully placing one (1) handcuff on him.

During this time, this Trooper gave Mr. Settle countless number of verbal commands to stop resisting this Trooper and to comply with the commands. This Trooper first attempted to deliver to the accused several open handed strikes to his torso in order to gain control of him. This Trooper quickly discovered that these strikes were not affecting the accused and that he was still continuing to try to pull away from this Trooper.

This Trooper then administered two (2) one (1) second bursts of OC Spray to the accused facial area. After the second burst, the accused was still continuing to fight with this Trooper with even more rage. It was at this time that the accused began to strike this Trooper with his left arm and fist in attempts to break free from this Trooper's grip all while screaming for this Trooper to let him go and to stop being mean to him.

The accused's actions caused this Trooper to be pulled approximately one hundred (100) feet from this Trooper's patrol vehicle. This Trooper then began to administer several strikes to thigh region of the accused's legs with the ASP baton. After each strike, the accused appeared to only get more agitated. The accused then pulled into this Trooper and grabbed this Trooper around the torso. At this time, the accused began to drag this Trooper to the ground. This Trooper was able to regain his footing and stood back up with the accused. This Trooper continued to administer strikes with the ASP baton to the accused's legs.

After several minutes of fighting this way, the accused was able to grab this Trooper by the shirt and began to pull this Trooper again to the ground. After the shirt of this Trooper ripped, the accused began to pull on this Trooper's gun belt. The accused began to pull on this Trooper's holster and was able to successful unclasp the restraint to the gun while beginning to pull on the handle of this Trooper's pistol.

This Trooper was beginning to feel a high level of fatigue at this time of the fight. This fatigue, coupled with the fear of the accused being successful in his disarming attempt, in addition to the apparent fact of the ASP baton strikes to the legs being ineffective, caused this Trooper to transition the strikes to the head of the accused.

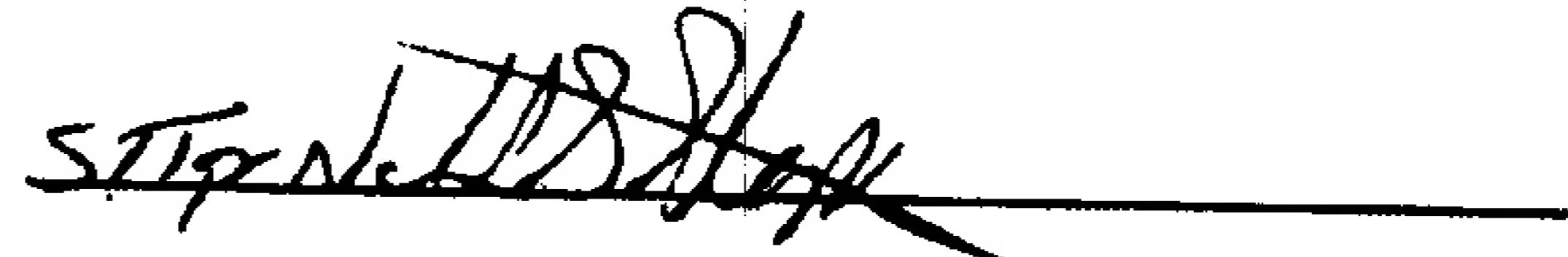
This Trooper delivered two (2) or three (3) strikes to the head of the accused in a desperate attempt to stop the fight and keep him from succeeding in pulling this Trooper's gun from the holster.

After physically fighting with the accused for approximately six (6) minutes, this Trooper was able to get him under control and secure him in restraints.

Due to injuries which the accused had sustained as a result of the confrontation, he was transported to the Charleston Area Medical Center General via HealthNet for treatment of his injuries. After being released, at approximately 0230 hours, he was transported to the South Central Regional Jail to be housed until the Calhoun County Magistrate Court resumed session.

This Trooper was not injured as a result of this incident.

Respectfully Submitted,



**S/Trooper Nathan S. Stepp
West Virginia State Police
Clay Detachment Troop 4**

STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L. KEEFER:

KEEFER: Okay, let me see what time it is here real quick. I've got the time as 0116, let me see what the date is on April 20th is what I got, 4-20, uh and you're Joshua Michael Settles, correct?

SETTLE: Yes Sir

KEEFER: And your date of birth is January 10th, 1998?

SETTLE: Yep

KEEFER: Okay, and your social security number is 234455852, does that sound right?

SETTLE: Yep

KEEFER: Where you currently living at Josh, do they call you Josh is that what everybody calls you Josh?

SETTLE: Josh

KEEFER: Okay Josh, is it okay if I call you Josh?

SETTLE: Yes

KEEFER: And I've told you I'm Sergeant Keefer and you know I'm a state trooper I'm just here to talk to you to get your side of the story

SETTLE: Appreciate it man, they didn't want to hear it up there

KEEFER: Uh before I can do this I'm gonna, I do everything the right way Okay so I'm gonna read you something here real quick it's probably something you've had read to you before we're gonna go ahead and do it again to you okay, uh this is your Miranda warning, you know what your Miranda warning is right, just like TV, right

SETTLE: Inaudible

KEEFER: You have the right to remain silent anything you say can and will be used against you in a court of law

SETTLE: Yes Sir

KEEFER: You have the right to talk to a lawyer and have him or her present with you while you are being questioned if you are under arrest and you cannot afford a lawyer one will one will be appointed to represent you before any questioning if you wish you can decide at any time to exercise these rights and not answer any questions or make any statements, do you understand those rights?

SETTLE: Yes

STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L. KEEFER:

KEEFER: Okay, would you like to tell me your side of story tonight Josh, just tell me what happened from your perspective?

SETTLE: I got suspended license

KEEFER: You got .. so your license is suspended?

SETTLE: Be my third time

KEEFER: Okay, so you were scared?

SETTLE: Yes man That's why I got my first ticket cause I was scared man

KEEFER: Who wrote you your first time was it a trooper was it a deputy?

SETTLE: It was in Spencer

KEEFER: City Police in Spencer got you the first time?

SETTLE: I shot up a dirt road like up there and set in a driveway and they came up there and

KEEFER: So you've run before from the police?

SETTLE: Yeah and I told them I was scared like..... Inaudible

KEEFER: Yeah

SETTLE: Well anyways I came to an intersection. I wasn't doing nothing, anything wrong.

KEEFER: Was this tonight what you are talking about or was this the first time?

SETTLE: Yeah no this was tonight

KEEFER: Well let's go back to the first time did you run from Spencer PD the first time you got stopped?

SETTLE: Yeah but they was never behind me like they passed me and I just shot up the road and set

KEEFER: But you were trying to get away from them?

SETTLE: I...

KEEFER: Cause you're probably scared?

**STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L.
KEEFER:**

SETTLE: Yeah I am man

KEEFER: Okay, well the second time who got you driving suspended the second time?

SETTLE: Trooper McDonald

KEEFER: Okay, did you run from him?

SETTLE: No Sir

KEEFER: So you took your medicine and you stopped?

SETTLE: Yes

KEEFER: Okay

SETTLE: Well I was at the gas station actually

KEEFER: Okay so they pulled in there and got you, okay. So agree you really didn't have an opportunity to run that time?

SETTLE: No, I didn't

KEEFER: Now so your, your driver's license has been suspended and you have two prior offenses for driving suspended. What's what's your, what's your license suspended for?

SETTLE: Not paying my speeding tickets

KEEFER: Not paying your tickets you don't have DUI tickets for nothing like that right?

SETTLE: No sir

KEEFER: Okay, uh now tonight uh you were driving by yourself?

SETTLE: Yes Sir

KEEFER: What kind of vehicle were you in?

SETTLE: Its 98 Chevy Cavalier

KEEFER: Okay

SETTLE: Two- door

KEEFER: Okay, were you drinking or anything tonight?

**STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L.
KEEFER:**

SETTLE: No

KEEFER: Were you taking any kind of medication?

SETTLE: No

KEEFER: Nothing at all?

SETTLE: Huh uh

KEEFER: So you are sober as a judge right now?

SETTLE: Yes Sir

KEEFER: So if I draw your blood right now you will come back as clean, maybe not?

SETTLE: Maybe marijuana

KEEFER: Maybe marijuana, what else a little bit of crank maybe? Just be honest with me cause these people are trying to save your life too so they might need to know what you are on. I'm not going to arrest you for possession of meth right now. If you did a little bit of crank we just need to know.

SETTLE: I don't never remember doing that

KEEFER: You don't remember doing any meth just marijuana?

SETTLE: No Sir, just smoked weed

KEEFER: You just smoked weed okay

SETTLE: Inaudible

KEEFER: Well that will be legal before too long, so right?

SETTLE: Yes Sir

KEEFER: Okay, so you're driving along, where were you driving what kind of car were you in again?

SETTLE: It's either a 98, 97

KEEFER: 97?

SETTLE: It's in the 90's to 2000, Chevy Cavalier

KEEFER: Chevy Cavalier, what color it that car Josh?

**STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L.
KEEFER:**

SETTLE: Green and like gray....

KEEFER: Okay, So an older molder Chevy Cavalier right?

SETTLE: Yes it's kinda older, loud

KEEFER: Loud?

SETTLE: Yes

KEEFER: Okay, so the trooper gets behind you tries to pull you over?

SETTLE: Well I seen him flip his lights on before he even got behind me

KEEFER: And you were scared?

SETTLE: I don't know.. scared

KEEFER: So you too took off?

SETTLE: Yeah

KEEFER: Then what happened?

SETTLE: Car like didn't.. car...

KEEFER: You outdrove your car, is that what you are trying to tell me, did you, did you wreck your car?

SETTLE: Yeah

KEEFER: You didn't hit anybody though right when you were trying to run from the police?

SETTLE: No Sir

KEEFER: Okay, didn't hit any kids, didn't hit any deer nothing like that?

SETTLE: No I turned down Daniels Run real fast

KEEFER: Daniels Run, it that off Route 16 or is that off Route 33?

SETTLE: Route 16 going towards Grantsville you get to the top of Mt. Zion hill, come around that turn and it will be down over to the left

KEEFER: Okay, so you took off up Daniels, cause you'd been on 16 when the trooper got behind you and took off up Daniels Run?

**STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L.
KEEFER:**

SETTLE: Yes I shot down Daniels Run

KEEFER: Then what happened?

SETTLE: I started speeding up and..... one of them turns down there I ended up broad siding fish tailing into the ditch and hit like a fence post and rolled

KEEFER: Okay

SETTLE: And then..

KEEFER: Did you have your seatbelt on?

SETTLE: Yes Sir

KEEFER: Did your, airbags come out?

SETTLE: No Sir

KEEFER: They didn't

SETTLE: No

KEEFER: Of course those 90's models might not even have air bags mighten it?

SETTLE: Uh

KEEFER: Don't know?

SETTLE: Yes I think it does

KEEFER: Seatbelt kept you from getting throw out then right?

SETTLE: Yep

KEEFER: So the cars on its top is that am I or was it on its side at that point?

SETTLE: On its top

KEEFER: On its top, so you unbuckled your seatbelt?

SETTLE: Yes

KEEFER: And you got out?

SETTLE: No

**STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L.
KEEFER:**

KEEFER: Okay, what happened?

SETTLE: I was telling him I was scared and he was telling me to get out show me your hands. I was telling him I was scared here they are. I started crawling out of there and I told him I can't and then he got ahold of me like by my arms and dragged me out of there

KEEFER: Okay, did that make you mad?

SETTLE: No

KEEFER: Just scared?

SETTLE: I was already scared I didn't do nothing

KEEFER: Okay, didn't do nothing but run tonight right?

SETTLE: But then he was so hateful man he throwed me down on the ground shoved my face in the dirt

KEEFER: Okay

SETTLE: Hold still, hold still, choking me

KEEFER: Okay

SETTLE: Cutting my airway off....I was I told him I was. I wasn't moving. He said quit moving, quit moving, quit moving. I wasn't moving.

KEEFER: Okay

SETTLE: I told him this wasn't right you know. I told him you know I don't have nothing on me. He wouldn't let me up. He kept choking me. So I get up you know I

KEEFER: You got up on your own?

SETTLE: No, I had to fight him kinda

KEEFER: You fought with him?

SETTLE: I didn't I didn't put I didn't throw any

KEEFER: But you you

SETTLE: I was trying...

**STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L.
KEEFER:**

KEEFER: You tried to get away from him, is that fair to say?

SETTLE: Yes

KEEFER: Okay, just tell me what happened buddy be honest with me it's all gonna come out?

SETTLE: He was like I don't know

KEEFER: Well why did you get up for cause you just wanted try to get away from him?

SETTLE: No, he won't, he wouldn't stop choking me

KEEFER: Okay

SETTLE: Tight real tight and he..

KEEFER: So you felt the need to fight back against that Trooper?

SETTLE: Like he was real hateful for nothing

KEEFER: Okay

SETTLE: I know he's probably pissed I ran

KEEFER: Okay

SETTLE: But

KEEFER: But what?

SETTLE: He wouldn't stop choking me and he had his face on my, in the rocks and then whenever I got up

KEEFER: So you got mad?

SETTLE: Um huh yeah I was kind of getting a little, I was so scared you know I was crying, I told him to get you know let me up, arrest me, let me get in your car, whatever and he wouldn't and

KEEFER: So when I watch the video I'm gonna see, I'm gonna hear you say that in those exact words?

SETTLE: Well probably not, you'll, you'll hear me say yeah I want in your car, just put me in your car and pepper sprayed me

STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L. KEEFER:

KEEFER: Uh-huh

SETTLE: I was leaning up against my car and whenever I don't know the pepper spray didn't work, he got his night stick

KEEFER: Why didn't the pepper spray work on you? Just because you was still going back at him, is that what happened? You still had some fight in you?

SETTLE: Huh-uh no he kept telling me "hold still, hold still"

KEEFER: Okay

SETTLE: I, I was but it wouldn't work, it didn't work, he kept doing it man

KEEFER: Okay and it made you mad?

SETTLE: No, no it didn't make me mad. Ugh I was scared man and he, man

KEEFER: Well tell me. Tell me your side of it. That's what I'm here for today buddy. So at this point you are up and you're, you're grappling with the Trooper, am I right? I mean you were trying

SETTLE: Uh-uh

KEEFER: You weren't?

SETTLE: No, I was trying to get him off of me

KEEFER: You were trying to get him off of you?

SETTLE: He already had me down, I told him I didn't have nothing on me, everything out of pockets

KEEFER: Okay

SETTLE: He...

KEEFER: So then what happened after he pepper sprayed you?

SETTLE: He tried to get me back down on the ground, lay flat on the ground, I did and he just kept

KEEFER: So you were compliant this whole time?

SETTLE: Yeah

KEEFER: Other than when you got up and you were fighting against him?

SETTLE: You see you probably see the dirt on my face

STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L. KEEFER:

KEEFER: Oh sure but you were in a wreck also tonight too, right?

SETTLE: Yeah but I didn't hit my head off the windshield like he was saying.

KEEFER: Oh I know he hit you.

SETTLE: Ah man he tore my head up with the night stick, my arm here.

KEEFER: Uh-huh, are you feeling more pain now than you were earlier or was you feeling more pain earlier than you are now?

SETTLE: Probably both

KEEFER: Because I'm noticing your eyes, Josh, I'm gonna be honest with you I've been doing this a long time. You're eyes are- buddy they are twitching all over the place. Is there any chance other than marijuana, just be honest with me, that you might have done some crank?

SETTLE: No man.

KEEFER: You said you couldn't remember but is there a chance you might have some methamphetamine in your system?

SETTLE: I don't think

KEEFER: Because your eyes are telling me a different story.

SETTLE: I don't think Sir

KEEFER: You don't think so?

SETTLE: I don't know Sir

KEEFER: When's the last time you did some crank or meth?

SETTLE: I don't, man I was at a buddy's house smoked a bowl

KEEFER: Okay

SETTLE: And then...

KEEFER: Who were you, whose house were you at earlier?

SETTLE: It wasn't today.

STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L. KEEFER:

KEEFER: Oh you smoked a bowl earlier with your buddy days ago?

SETTLE: Not days ago.

KEEFER: Okay when?

SETTLE: Probably a day or two ago.

KEEFER: A day or two, so you're just smoking by yourself tonight?

SETTLE: I did, I don't have anything man

KEEFER: Well you had marijuana on you.

SETTLE: Yeah I had a bowl they probably found it

KEEFER: Yeah

SETTLE: I mean I did smoke a little bit before I left marijuana.

KEEFER: Okay

SETTLE: Man he just wouldn't, he, he just

KEEFER: He wouldn't what, leave you alone and let you go on your way?

SETTLE: No that's not what I was, like I was compliant. Holding still and holding still and he wouldn't do it man

KEEFER: Okay so

SETTLE: It wasn't good enough

KEEFER: Okay

SETTLE: And I told him get off and you'll see it on the video officer

KEEFER: Sure will

SETTLE: Is it on the video?

KEEFER: I haven't watched it yet Buddy, I came straight to you

SETTLE: Is it on the car though?

**STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L.
KEEFER:**

KEEFER: Do what now?

SETTLE: Is it on the..?

KEEFER: I don't know. That's why I'm asking. I'm asking you so I can get, so I can compare what you said to to what happened if there is one, okay?

SETTLE: He wouldn't even, like he didn't even ask for back up or no, I wasn't even fighting. He didn't get on the radio or nothing he just kept, and whenever we moved away from my car into the road and he started beating me down with the night stick hitting me in the head and then I swung with the cuff

KEEFER: So he had one cuff on you and you were struggling against it?

SETTLE: Yeah I think he broke my wrist how tight he had that thing.

KEEFER: Okay

SETTLE: And he wouldn't loosen it either

KEEFER: So you swung the cuff around?

SETTLE: No, like I tried to I mean I don't know let him let go of me to quit he kept hitting me with his night stick

KEEFER: And that's when you had one cuff on is when he hit you with his night stick with the, with the baton?

SETTLE: Yes Sir

KEEFER: Okay so you had one cuff on you and he had to hit you with the baton is that what I'm to understand?

SETTLE: The night stick

KEEFER: Yeah it's a baton.

SETTLE: Is that what it's called?

KEEFER: Yeah yeah a baton.

SETTLE: Yeah

KEEFER: Is it one like this right here? See on the back of my pistol, like that?

SETTLE: And yeah and I was laying there on the grass

STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L. KEEFER:

KEEFER: How many times did he hit you with the baton?

SETTLE: Probably at least six.

KEEFER: At least six times?

SETTLE: Seven, eight times.

KEEFER: Seven, eight times?

SETTLE: Head, my arm, the back of my leg

KEEFER: And at that point is when he was able to get the cuff on you, the other cuff on you?

SETTLE: No, he never did

KEEFER: He never did be able to get the cuff on you?

SETTLE: No like he never did put it on me

KEEFER: How come he never put the other cuff on you?

SETTLE: He did when I laid down on the ground and told him. He said we're done fighting after he seen all blood

KEEFER: Okay

SETTLE: My buddy Tristen Satterfield pulled up and he told him to call 911

KEEFER: Okay

SETTLE: He wouldn't give me a drink of water....man

KEEFER: So you, you admit you ran tonight?

SETTLE: Um huh

KEEFER: You admit you ran from the police tonight?

SETTLE: Yes Sir

KEEFER: Because you had a suspended driver's license?

SETTLE: Yes Sir, I was scared

STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L. KEEFER:

KEEFER: And this will be the third offense for you right? And then you wreck your car while you're trying to run from the police right?

SETTLE: Yes Sir

KEEFER: He gets you out, at some point you say you are complaint; however you tell me at one point you were able to get up

**** Both subjects speaking at the same time – inaudible***

KEEFER: He still wasn't able to get a cuff on you though right, did he get one cuff on you while you were on the ground?

SETTLE: Yes

KEEFER: Okay, and then for some reason he, he didn't put the other cuff on you at that point?

SETTLE: Huh uh

KEEFER: How come, did you tense up?

SETTLE: Huh?

KEEFER: Did you tense up at that point, when he got the one cuff on you?

SETTLE: Yeah, ... that's kind of like cause he wouldn't stop beating me up man...

KEEFER: Okay, so he got one cuff on you and wasn't able to get the other cuff on you?

SETTLE: Yes he did

KEEFER: Cause you kinda bucked?

SETTLE: I just let him

KEEFER: Well you didn't let him put the cuff.....

SETTLE: When I when I was laying on the ground at the.... I mean it's...after he got done beating me in the head and leg he tossed me down on the ground laying in the grass, blood is still there probably all over the road

KEEFER: Sure

SETTLE: And that's when I let him put the other cuff on there and I told him I'm done fighting you know

**STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L.
KEEFER:**

KEEFER: You told him you were done fighting?

..... Yeah

KEEFER: Okay

SETTLE: Don't hit me no more

KEEFER: Okay

SETTLE: Please., I was begging him

KEEFER: Okay

SETTLE: Just put me in your car do whatever and he wouldn't

KEEFER: Okay, so you accept any of the blame in this stuff tonight?

SETTLE: Huh

KEEFER: You think you're in the right tonight?

SETTLE: No

KEEFER: Okay

SETTLE: I did run

KEEFER: Anything you want to tell me tonight?

SETTLE:Inaudible

KEEFER: I'll take some pictures of you here real quick and I'm sure they want to take you some place here real quick. Is there anything else you would like to add to your statement tonight?

SETTLE: ...no

KEEFER: I couldn't hear that part of it?

SETTLE: He just, I don't know man

KEEFER: You don't know?

SETTLE: Just seen fear

STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L. KEEFER:

KEEFER: You just saw fear?

SETTLE: A lot of it in him, he showed a lot of anger

KEEFER: Okay

SETTLE: Towards me and I was trying to show him that I wasn't gonna do nothing

KEEFER: Were you respectful?

SETTLE: Yes

KEEFER: And compliant the whole time?

SETTLE: Yes Sir

KEEFER: You were?

SETTLE: Whenever I was in and out of the car, well actually the whole, the whole time Sir.

KEEFER: You were compliant the whole time?

SETTLE: Yeah, other than trying to tell him to stop

KEEFER: Okay, anything else you want to tell me tonight?

SETTLE: No, other than I didn't I couldn't .. it didn't matter what I said

KEEFER: Okay

SETTLE: Inaudible.....the cops down ...trying to say uh hit my head off windshield, I didn't hit my head off the windshield

KEEFER: Okay, I know you were in a fight with a Trooper tonight.

SETTLE: Yeah but I didn't.. .my hands on him I mean..

KEEFER: Other than swing your cuffs around, right?

SETTLE: No, what I mean by that is he had ahold of the other cuff and I was trying to get him off of me and like he had this one on me and I was ... swung Inaudible

KEEFER: But you were complaint?

SETTLE: Yes

**STATEMENT OF JOSHUA MICHAEL SETTLE – TAKEN BY SERGEANT B. L.
KEEFER:**

KEEFER: We will go ahead and conclude anything else you want to add?

SETTLE:Inaudible

KEEFER: Do you feel like you are sober at this point?

SETTLE: I been sober actually

KEEFER: Been sober, okay.

SETTLE: Yeah

KEEFER: We'll go ahead and conclude this interview the time is now 0132 hours.

INTERVIEW END

**Grantsville Detachment
Incident Report**

Incident date: 04/19/17

To Units:

Invest, Detachment: Spencer Detachment

Invest. Unit: Stepp, N.S.

Assisted by: Potillo, J.T., Ellis, J.M. Keefer, B.L., Starsick, O.S.

Victim: Stepp, N.S. and SOWV

Suspect:
Joshua Settle
D.O.B. 01/10/98
SS# 234-45-5852
749 Sams Run Road
Looneyville, WV

Where occurred: SR 16 and Daniels Run Road

County: Calhoun

Narrative:
On today's date, at approximately 2230 hours, Sr. Tpr. N.S. Stepp attempted to affect a traffic stop of the suspect on SR 16. The vehicle began to flee and approximately one minute later, the suspect vehicle crashed. The suspect exited the vehicle and he began to assault Tpr. Stepp, who utilized open hand techniques before deploying his OC Spray, which had no effect. The suspect attempted to gain control of Tpr. Stepp's side arm and nearly had it unholstered, when Tpr. Stepp deployed his ASP baton. The suspect was restrained but injured in the process. The suspect was transported to CAMC General.

NOT FOR MEDIA RELEASE

Authorization: Sgt. B.L. Keefer

RECEIVED 04/20/2017 02:18 304-746-2408
04/20/2017 02:06 304-927-0972 SPENCER DETACHMENTPROFESSIONAL STANDAR
PAGE 01/02
*176C49*WVSP Form #175, Revised 09/15
E REV 06/10**REPORT OF RESPONSE TO
RESISTANCE OR AGGRESSION**

Professional Standards

**PROFESSIONAL
APR 20 2017
STANDARDS**

 Dist Comm _____
 Troop Comm _____
 Chief of Field _____
 Inspector _____
GENERAL INFORMATION:

SUPERVISOR:	DETACHMENT:	DATE OF INCIDENT:	TIME OF INCIDENT:
Keefer, B.L.	Clay/Calhoun	04/19/2017	2230
LOCATION OF INCIDENT:			State Route 16 and Daniels Run Road Calhoun County

SUBJECT INFORMATION:

SUBJECT NAME (LAST, FIRST): Settle, Joshua M.	RACE/SEX: W/M	DOB:	SSN:
INJURY: 13	TREATMENT: 23, 24	SUBJECT RESISTANCE LEVEL: 52, 53, 55	WEAPON USED: 71, 72
SUBJECT CONTACTED BY SUPERVISOR: IF YES, DATE AND TIME: Yes 04/20/17 0115	STATEMENT TAKEN FROM SUBJECT: IF YES, DATE AND TIME: Yes 04/20/17 0115		SUBJECT PHOTOGRAPHED: Yes

OFFICER(S) INVOLVED:

NAME (LAST, FIRST): Stepp, N.S.	RANK: Sr. Tpr.	OFFICER PHOTOGRAPHED: Yes
INJURY: 11, 12	TREATMENT: 22	LEVEL OF RESPONSE: 60, 61, 63, 64, 65
INJURY:	TREATMENT:	LEVEL OF RESPONSE:
NAME (LAST, FIRST):		RANK:
INJURY:	TREATMENT:	TYPE OF RESPONSE:
NAME (LAST, FIRST):		OFFICER PHOTOGRAPHED:
INJURY:	TREATMENT:	LEVEL OF RESPONSE:
NAME (LAST, FIRST):		TYPE OF RESPONSE:
INJURY:	TREATMENT:	LEVEL OF RESPONSE:
NAME (LAST, FIRST):		TYPE OF RESPONSE:
INJURY:	TREATMENT:	LEVEL OF RESPONSE:
NAME (LAST, FIRST):		TYPE OF RESPONSE:

WITNESS(ES):

NAME (LAST, FIRST): None	ADDRESS:	PHONE:
NAME (LAST, FIRST):	ADDRESS:	PHONE:
NAME (LAST, FIRST):	ADDRESS:	PHONE:

TRANSPORTING INFORMATION:

TRANSPORTING OFFICER (LAST, FIRST): None suspect transported by ambulance	FROM:	TO:
TRANSPORTING OFFICER (LAST, FIRST):	FROM:	TO:
TRANSPORTING OFFICER (LAST, FIRST):	FROM:	TO:
TRANSPORTING OFFICER (LAST, FIRST):	FROM:	TO:

INJURY	TREATMENT	SUBJECT RESISTANCE LEVEL	OFFICER'S LEVEL OF RESPONSE	SUBJECT WEAPON USED	OFFICER'S TYPE OF RESPONSE	HOW USED
01 - Injury not related to Response	20 - None	50 - No Resistance	60 - Physical Presence	70 - None	80 - None	110 - Threatener
10 - No Injury	21 - Relaxed	51 - Moderate Resistance	61 - Use of Verbal Command	71 - Handcuffs	91 - Handcuff/Arms	111 - Grab/Hold
11 - Bruise/Scratches	22 - First Aid	52 - Attempted to Resist/Escape	62 - Use of Chemical Weapon Before Empty Hand Tactics	72 - Bat	92 - Piste	112 - Push/Push
12 - Sprain/Strain	23 - Paracetamol/NSAID	53 - Actively resisted	63 - Knob Hand/Tactics	73 - Fire/Laser	93 - Feet/Leg	113 - Strike/Hit
13 - Laceration	24 - Hospital	54 - Actively resisted and Isolated by Standoffs	64 - Use of Chemical Weapon After Empty Hand Tactics	74 - Teeth	94 - Radio	114 - Bite
14 - Bite	25 - Personal Physician	55 - Arrested Officer	65 - Use of Police Baton	75 - Blank Inst.	95 - Flashlight	115 - Throw
15 - Puncture			66 - Use of Lethal Force	76 - Casting Inst.	96 - Baton	116 - Slash
16 - Broken Bone				77 - Rock/Battle	97 - K-9	117 - Stab
17 - Internal Injury				78 - Handcuffs	98 - Handcuff	118 - Discharge
18 - Gunshot				79 - Rifle	99 - Shotgun	119 - Other
19 - Other				80 - Shotgun	100 - Chemical Agent	
				81 - Vehicle	101 - Vehicle	
				82 - Other	102 - Other	
				83 - Other	103 - Kill	

174091

**PROFESSIONAL
APR 20 2017
STANDARDS**

Grantsville Detachment
Incident Report

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Authorization: Sgt. B.L. Keefer